

Report Identification Number: NY-16-065 Prepared by: New York City Regional Office

Issue Date: 12/19/2016

This	s report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:
X	A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
	The death of a child for whom child protective services has an open case.
	The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
	The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child's family; any extraordinary or pertinent information concerning the circumstances of the child's death; whether the child or the child's family received assistance, care or services from the social services district prior to the child's death; any action or further investigation undertaken by OCFS or the social services district since the child's death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child's household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the State of New York.

This report may <u>only</u> be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household.

OCFS' review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS' assessment and the performance of these agencies.

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Abbreviations

Relationships					
BM-Biological Mother	SM-Subject Mother	SC-Subject Child			
BF-Biological Father	SF-Subject Father	OC-Other Child			
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father			
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider			
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father			
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle			
FM-Foster Mother	SS-Surviving Sibling				

	Contacts	
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
DrDoctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPR-Cardio-pulmonary Resuscitation		
	Allegations	
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Others	
	Miscellaneous	
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social	ACS-Administration for Children's	NYPD-New York City Police
Service	Services	Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	

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Case Information

Report Type: Child Still Born Jurisdiction: Bronx Date of Death: Unknown

Age: Unknown Gender: Unknown Initial Date OCFS Notified: 06/28/2016

Presenting Information

On 6/28/16, at approximately 6:30 P.M., the BM was experiencing pain. The BM went to the bathroom and gave birth to twins. The BM was unaware she was pregnant. The children were purple after birth. The BM placed both children in a duffel bag, called a cab and went to the hospital with the children in the duffel bag. The BM arrived at the hospital and waited in the waiting room for approximately ten minutes until being called for triage. It was then that the BM notified the hospital staff that the children were in the duffel bag. The children were pronounced dead at approximately 8:34 A.M.

Executive Summary

On 6/28/16, the BM arrived at the hospital at 8:34 A.M, sat for ten minutes in the waiting area before being called to triage; she told the nurse she was bleeding and had given birth to twins. The BM presented a duffel bag containing the remains of male twins. The twins were pronounced dead on arrival at 8:34 A.M. They had no signs of trauma or abuse. They were 30 weeks of gestation and weighed 2.7 pounds each. The BM reported she wanted nothing to do with them.

The ACS Specialist interviewed the BM who stated that sometime between 4:00 and 5:00 A.M., she went to bathroom and after using it, she discovered the twins in the toilet bowl. She noticed they appeared purple in color with white lips and not breathing. She placed them in a towel, in a duffel bag and proceeded to Lincoln Hospital. The BM stated she did not call EMS because she believe they she could reach the hospital much faster via taxi.

The BM stated she was not aware she was pregnant because she tested two times and both test results were negative. She stated she was also not aware of her pregnancy with the SS.

The ME reported that malformation of the placenta caused intrauterine fetal demise, so the SC was stillborn, not born alive.

The Specialist interviewed the MU and the MGP; their accounts were consistent regarding the morning of the discovery. The MGF and MU added that they observed the BM had gained weight and asked her whether she was pregnant; she responded no.

On 6/28/16, during the initial visit, the Specialist observed the home to have deplorable conditions and unsafe for the eleven-month-old SS. On 6/29/16, ACS filed an Article Ten Petition in Bronx Family Court on behalf of the SS against the BM. The SS was remanded and placed under the auspices of Graham Windham Agency. He was later paroled to the care of the BF where he remains to date. The BM has supervised visits of six hours, four days per week, in the community. The visits appeared to be going well. The judge requested a mental health evaluation for the BM. ACS referred the SS for Early Intervention services as a form of support.

The MGM, who provided care to the SS while the BM was at work, reported that due to the death of her parents ten NY-16-065 FINAL Page 3 of 11



years ago, her depression affected her ability to clean the home. The MGF and the MU provided no plausible reason for not taking responsibility to clean the home.

The pediatrician reported no concerns for the care given the SS and the immunizations were current.

On 8/24/16, ACS unsubstantiated the allegations of DOA/ Fatality and IG of the SC by the BM. ACS documented the ME reported that malformation of the placenta caused intrauterine fetal demise, so the SC was stillborn, not born alive. ACS substantiated the allegations of IG and I/F/C/S of the SS by the BM. ACS based their determination on the unsanitary and hazardous conditions of the home that placed the SS at risk of serious harm.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- Was sufficient information gathered to make the decision recorded on the:
 - Approved Initial Safety Assessment?
 - Safety assessment due at the time of determination?
 Yes
 Yes
- Was the safety decision on the approved Initial Safety Assessment appropriate?

Determination:

• Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?

Yes, sufficient information was gathered to determine all allegations.

• Was the determination made by the district to unfound or indicate appropriate?

Yes

Explain:

N/A

Was the decision to close the case appropriate?

N/A

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements?

Yes

Was there sufficient documentation of supervisory consultation?

Yes, the case record has detail of

the consultation

Explain:

N/A

Required Actions Related to the Fatality

Are there Required Actions related to the compliance issue(s)? \boxtimes Yes \square No

Issue:	Overall Completeness and Adequacy of Investigation			
Niimmarv	During the investigation, ACS observed the home to be in a deplorable condition and removed the child; however, ACS did not add the MGM who had child care responsibilities of the SS. The MGM			
	child, however, ACS and not add the MOW who had child care responsibilities of the SS. The MOW			



and BM's work schedule revolved around the plan of care.			
Legal Reference: SSL 424(6); 18 NYCRR 432.2(b)(3)			
Action:	ACS must submit a corrective action plan within 45 days that identifies what action it has taken or will take to address the issues cited in this report. ACS staff must meet with staff involved with this fatality investigation and NYCRO of the date of the meeting, who attended, and what was discussed.		

Fatality-Related Information and Investigative Activities

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Aunt/Uncle	No Role	Male	18 Year(s)
Deceased Child's Household	Deceased Child	Alleged Victim		
Deceased Child's Household	Grandparent	No Role	Male	39 Year(s)
Deceased Child's Household	Grandparent	No Role	Female	41 Year(s)
Deceased Child's Household	Mother	Alleged Perpetrator	Female	19 Year(s)
Deceased Child's Household	Other Deceased Child	Alleged Victim	Male	0 Year(s)
Deceased Child's Household	Sibling	Alleged Victim	Male	11 Month(s)

LDSS Response

ACS contacted the SW at Lincoln Hospital and received information concerning the fatal twins. The SW reported the BM arrived at the hospital at 8:34 A.M, sat for ten minutes in the waiting area before being called to triage; she told the nurse she was bleeding and had given birth to twins. When asked where the babies were she pointed to the bag placed on the floor. The twins were pronounced dead on arrival at 8:34 A.M. The twins had no signs of obvious trauma to suspect child abuse. The twins were 30 weeks and weighed 2.7 pounds each. The twins' remains were taken to Jacobi Hospital to the ME. The BM was examined and needed to be admitted but refused to stay. The BM was discharged around 2:30 P.M. Prior to BM leaving, the attending physician asked the BM if she wanted to see the babies and she replied "she wanted nothing to do with them".

The ACS Specialist visited the case address on 6/28/16 and interviewed the BM and received this information. The BM reported that at approximately 1:00 A.M, she awoke with back pain and lots of bleeding. The BM thought the bleeding was the side effect of the medication wearing off, since she had not followed up. According to the BM, sometime between 4:00 and 5:00 A.M., she went to bathroom and after using it, she discovered the twins in the toilet bowl. She stunningly stared at them for a minute and they were not breathing. They appeared purple in color with white lips. She picked them up placed them in a towel, in a duffel bag and proceeded to get dress. She dressed, asked her brother to accompany her as they hired a taxi to Lincoln Hospital. The BM stated she did not call EMS because they took about two hours to arrive when she gave birth to her eleven-month-old son (SS).

The BM stated she was not aware of her pregnancy as she had been given a method of birth control; in addition to being screened for pregnancy two times and both test results were negative. She stated she was also not aware of the pregnancy

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with the SS.

The Specialist interviewed the MU and the MGP; their accounts were consistent. The MGF and MU added that they observed the BM had gained weight and her tummy appeared round, so they asked whether she was pregnant and she responded in the negative. During the night of the incident, they offered to take the BM to the hospital; however, she declined stating she will feel better in the morning.

On 6/28/16, during the initial visit, the Specialist observed the home to have deplorable conditions and unsafe for the SS. On 6/29/16, ACS filed an Article Ten Petition in Bronx Family Court on behalf of the SS against the BM. The SS was remanded and placed into foster care under the auspices of Graham Windham Agency. He was later paroled to the care of the BF where he remains to date.

The MGM reported that due to the death of her parents ten years ago, her depression affected her ability to clean the home. The MGF and the MU provided no plausible reason for not taking responsibility to clean the home. The MGM provided care to the SS while the BM was at work. ACS documented the home was clean on the following visit. ACS did not add IG allegation of the SS by the MGM, who provided care to the SS whenever the BM which was the plan of care.

ACS received information from the pediatrician regarding the SS. The pediatrician reported the SS was born full term to the BM who had no knowledge of being pregnant. The pediatrician reported no concerns for the care given the SS and the immunizations were current.

On 8/24/16, ACS unsubstantiated the allegations of DOA/ Fatality and IG of the SC by the BM. ACS documented the ME reported that malformation of the placenta caused intrauterine fetal demise, so the SC was not born alive. ACS substantiated the allegations of IG and I/F/C/S of the SS by the BM. ACS based their determination on the unsanitary and hazardous conditions of the home that placed the SS at risk of serious harm.

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)?No

Comments: The ACS investigation adhered to previously approved protocols for joint investigation.

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? No

Comments: There is no OCFS approved Child Fatality Review Team in the NYC Region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
032861 - Deceased Child, ,	032862 - Mother, Female, 19 Year(s)	DOA / Fatality	Unsubstantiated
032861 - Deceased Child, ,	032862 - Mother, Female, 19 Year(s)	Inadequate Guardianship	Unsubstantiated
032901 - Other Deceased Child - Twin,	032862 - Mother, Female, 19	Inadequate Guardianship	Unsubstantiated

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Male, 0 Year(s)	Year(s)		
032901 - Other Deceased Child - Twin,	032862 - Mother, Female, 19	DOA / Fatality	Unsubstantiated
Male, 0 Year(s)	Year(s)		
032902 - Sibling, Male, 11 Month(s)	032862 - Mother, Female, 19	Inadequate Guardianship	Substantiated
	Year(s)		
032902 - Sibling, Male, 11 Month(s)	032862 - Mother, Female, 19	Inadequate Food / Clothing /	Substantiated
	Year(s)	Shelter	

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	×			
When appropriate, children were interviewed?	×			
Alleged subject(s) interviewed face-to-face?	×			
All 'other persons named' interviewed face-to-face?	×			
Contact with source?	×			
All appropriate Collaterals contacted?	×			
Was a death-scene investigation performed?			X	
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	×			
Coordination of investigation with law enforcement?			X	
Did the investigation adhere to established protocols for a joint investigation?	X			
Was there timely entry of progress notes and other required documentation?	X			
			_	

Additional information:

Records pertaining to the child's death were reviewed via the CONNECTIONS database.

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	×			
Was there an adequate safety assessment of impending or immediate din the household named in the report:	langer to su	ırviving sib	lings/other	children
Within 24 hours?	×			



At 7 days?	×			
At 30 days?	×			
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	×			
Are there any safety issues that need to be referred back to the local district?		×		
When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	X			
Fatality Risk Assessment / Risk Assessm	ent Profile			
	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	×			
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	×			
Was there an adequate assessment of the family's need for services?	×			
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	×			
Were appropriate/needed services offered in this case	×			
Placement Activities in Response to the Fatal	ity Investigat	tion		
	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	×			
Were there surviving siblings/other children in the household				

If Yes, court ordered? **Explain as necessary:**

removed as a result of this fatality report/investigation?

On 6/28/16, during the initial child safety assessment, the Specialist observed the home to be in deplorable condition. The SS was removed from the BM's care and placed at the Children Center. On 6/29/16, an Article Ten Petition of

X

X

 \Box



Neglect was filed in the Bronx Family Court against the BM. The judge granted the remand of the SS and he was placed with his BF with supervised visits with the BM. The adjourned court date is 12/22/16.

	Legal Activity Related to the Fatality						
Was there legal activity as a result of the fatality investigation? ☑ Family Court ☐ Criminal Court ☐ Order of Protection							
Family Court	t Petition Type: FCA Article 10 - CPS						
Date Filed:	Fact Finding Description: Disposition Description:						
06/29/2016	There was not a fact finding Adjourned						
Respondent:	: 032862 Mother Female 19 Year(s)						
Comments:	The judge placed the SS with his BF with a plan to return to his BM. BM was ordered to complete a mental health evaluation and results to be submitted by 12/22/16.						

Services Provided to the Family in Response to the Fatality

Services	Provided After	Offered, but	Offered, Unknown	Needed but not	Needed but	N/A	CDR Lead to
	Death	Refused	if Used	Offered	Unavaliable		Referral
Bereavement counseling						X	
Economic support						X	
Funeral arrangements		×					
Housing assistance						\boxtimes	
Mental health services	X						
Foster care	X						
Health care						×	
Legal services						×	
Family planning						×	
Homemaking Services						×	
Parenting Skills	×						
Domestic Violence Services						\boxtimes	
Early Intervention						×	
Alcohol/Substance abuse						×	
Child Care	X						

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		ı	<u> </u>			Τ	
Intensive case management	×						
Family or others as safety resources	×						
Other						X	
Additional information, if necessary Family Court ordered the BM to unde		al health eva	luation that	was comple	ted.		
Were services provided to siblings of their well-being in response to the f Explain: The parents of the eleven-month-old \$8/30/16.	atality? Ye	S			·		
Were services provided to parent(s) fatality? Yes Explain: The parents enrolled in Casework Con			to address	any immed	liate needs re	elated to the	;
CPS - Inve	stigative l	History Th	ree Years	Prior to t	he Fatality		
There is no CPS investigative history	in NYS wit	hin three ye	ars prior to t	the fatality.			
CPS - Inve	stigative Hist	tory More Th	nan Three Ye	ars Prior to	the Fatality		
There is no ACS history.							
	Knov	vn CPS Histo	ry Outside of	f NYS			
There is no known CPS history outside	e of NYS.						
		Required	Action(s)				
Are there Required Actions related □Yes ☑No	to complia	nce issues f	or provisio	ns of CPS o	r Preventive	services?	
	F	Preventive Se	rvices Histor	y			
There is no record of Preventive Serv other children residing in the deceased					deceased chi	ld's siblings	, and/or the

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Legal History Within Three Years Prior to the Fatality				
Was there any legal activity within three years prior to the fatality investigation? There was no legal activity				
Additional Local District Comments				
N/A.				
Recommended Action(s)				
Are there any recommended actions for local or state administrative or policy changes? □Yes ⊠No Are there any recommended prevention activities resulting from the review? □Yes ⊠No				